

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE APRIL 20, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1490

Introduced by Senator Ducheny
(Coauthor: Senator Florez)
(Coauthor: Assembly Member Garcia)

February 23, 2006

An act to add Sections 9611, 9612, and 9613 to the Business and Professions Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

SB 1490, as amended, Ducheny. Cemetery regulation.

Existing law establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, licensing and regulating a cemetery manger, salesperson, or broker, and requires the bureau to provide specified information about its licensees on its Internet Web site.

This bill would require the bureau to disclose additional information regarding cemeteries on its Internet Web site.

Existing law establishes certain requirements for administration of private endowment care cemeteries and establishes maintenance and investment requirements applicable to the endowment care trust funds.

This bill would require the bureau to adopt regulations to establish minimum standards of maintenance for endowment care cemeteries under its jurisdiction. The bill would require the bureau to take specified actions to determine the appropriate levels of endowment

care fund contributions and would require the bureau to report its findings and recommendations to the Legislature by July 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9611 is added to the Business and
2 Professions Code, to read:

3 9611. The bureau shall disclose on its Web site information
4 about each cemetery subject to the jurisdiction of the bureau. In
5 addition to the information required by Section 27, the bureau
6 shall disclose the name of the owner of each cemetery, the name
7 of the cemetery, the business address of the cemetery owner, and
8 the physical address of the cemetery.

9 SEC. 2. Section 9612 is added to the Business and
10 Professions Code, to read:

11 9612. Notwithstanding Section 8115 of the Health and Safety
12 Code, the bureau shall adopt regulations that establish minimum
13 standards of maintenance for endowment care cemeteries under
14 the jurisdiction of the bureau. The standards shall be those
15 reasonably necessary to protect the public health and safety,
16 assure decent and respectful treatment of human remains, and
17 prevent the offensive deterioration of cemetery grounds,
18 structures, and places of interment. The regulations shall consider
19 differences in cemetery size, location, and topography, type of
20 interments, and the extent to which funds are available from the
21 cemetery's endowment care funds to perform maintenance.

22 The standards established ~~under~~ *pursuant to* this section shall
23 not supersede any standards of a higher level of care established
24 pursuant to Section 8115 of the Health and Safety Code.

25 SEC. 3. Section 9613 is added to the Business and
26 Professions Code, to read:

27 9613. (a) In order to determine the appropriate levels of
28 endowment care fund contributions that are necessary to
29 establish an endowment care fund sufficient to carry out ongoing
30 care and maintenance of a cemetery, the bureau shall do both of
31 the following:

32 (1) Analyze the levels of endowment care funds that have been
33 reported pursuant to this chapter by licensed cemeteries.

- 1 (2) Survey the cemetery industry under its jurisdiction to
- 2 obtain input regarding appropriate endowment care fund levels.
- 3 (b) The bureau shall report its findings and recommendations
- 4 to the Legislature by July 1, 2007.

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